

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-2162 DDP (FFM)	Date	July 9, 2018
Title	<i>Brown v. County of Los Angeles, et al.</i>		

Present: The Honorable	Frederick F. Mumm, United States Magistrate Judge		
James Munoz	None	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiff:	Attorneys Present for Defendants:		
None Present	None Present		

Proceedings: (IN CHAMBERS) ORDER DIRECTING PLAINTIFF TO SHOW CAUSE WHY HIS CLAIMS SHOULD NOT BE DISMISSED FOR UNTIMELINESS

In the Court’s Report and Recommendation on the motion for judgment on the pleadings filed by defendants Baca and County of Los Angeles (“COLA”), the Court concluded as follows: (1) a two-year statute of limitations governs plaintiff’s claims; (2) plaintiff’s claims accrued by the end of September 2011; (3) plaintiff did not file this action until March 24, 2015; and (4) plaintiff is not entitled to tolling under Cal. Code Civ. Proc. § 352.1. The Court accordingly recommended that plaintiff’s claims against Baca and COLA be dismissed with prejudice for untimeliness under Federal Rule of Civil Procedure 12(c).

It does not appear to the Court that there is any distinction, with regard to timeliness, between plaintiff’s claims against Baca and COLA and his claims against the remaining defendants (Tanaka, Carey, Thompson, Leavins, Craig, Long, Smith, Manzo, and Sexton). Therefore, the Court ORDERS plaintiff to show cause in writing, **within 30 days of the date of this order**, why his claims against the remaining defendants should not be dismissed with prejudice for untimeliness. *See Seismic Reservoir 2020, Inc. v. Paulson*, 785 F.3d 330, 335 (9th Cir. 2015) (in context of Federal Rule of Civil Procedure 12(b)(6), holding that district court may dismiss claim *sua sponte* if it gives notice of intent to dismiss and provides plaintiff opportunity to oppose dismissal in writing).

IT IS SO ORDERED.

Initials of Preparer	_____ : _____ JM
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